

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GINA ANNE NOEL PANE,

Plaintiff,

Case Number:  
07 CV 3216  
(WP4) (LMS)

-against-

THE TOWN OF GREENBURGH, JOHN KAPICA,  
in his capacity as CHIEF OF THE GREENBURGH  
NEW YORK POLICE DEPARTMENT, ERIK WARD,  
POLICE OFFICER MICHAEL MUESSER, SERGEANT  
ROBERT GRAMAGLIA, SERGEANT FRANCIS  
PUMILLO, DETECTIVE FERTIG, JOHN DOE  
POLICE OFFICERS 1-10, SO NAMED  
AS THEIR IDENTITIES HAVE YET TO  
BE ESTABLISHED

**RULE 26(a)**  
**DISCLOSURE**

Assigned Judge:  
Hon Lisa Margaret Smith  
U.S.M.J.

Defendants.

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The Defendants, TOWN OF GREENBURGH, and JOHN KAPICA, in his  
capacity as Chief of the Greenburgh New York Police Department (hereinafter  
collectively referred to as "Town Defendants") by their attorneys MURPHY STECICH &  
POWELL, LLP, hereby disclose the following:

- A. Name and, if known the address and telephone number of each  
individual likely to have discoverable information the disclosing  
party may use to support its claim or defenses, unless solely for  
impeachment:

John Kapica, 188 Tarrytown Road, White Plains, New York;  
Michael Muesser, 188 Tarrytown Road, White Plains, New York;  
Paul Fertig, 188 Tarrytown Road, White Plains, New York;  
Vincent LoGuidice, 188 Tarrytown Road, White Plains, New York;  
James Duckham, 188 Tarrytown Road, White Plains, New York  
Francis Pumilo, 188 Tarrytown Road, White Plains, New York  
Robert Gramaglia, 188 Tarrytown Road, White Plains, New York  
D. Massett, 188 Tarrytown Road, White Plains, New York  
Edward Olson, 188 Tarrytown Road, White Plains, New York  
Kera Knoesel, 188 Tarrytown Road, White Plains, New York  
J. Perry, 188 Tarrytown Road, White Plains, New York  
E. Lederer, 188 Tarrytown Road, White Plains, New York  
K. Powell, 188 Tarrytown Road, White Plains, New York  
Jake Piazza, 18 McCarthy Drive, Ossining, New York  
Phil Reisman, c/o The Journal News, One Gannet Drive, White  
Plains, New York

- B. **Documents:** A copy of, or description by category and location, of all documents, data compilations, and tangible things in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for

impeachment:

- ▶ Statement of Jake Piazza dated 1/31/06;
- ▶ New York State Police Incident Report, Case No. 06-2037, dated 01/21/06 and associated evidence reports, impound, inventory reports and laboratory reports filed or made in connection with the arrest of Plaintiff on 01/21/2006;
- ▶ Video taped/ digital recordings of various individuals and locations in or around the Greenburgh Police Department building at 188 Tarrytown Road, White Plains, New York taken or recorded on January 21-22 2006

C. **Computation of Damages:** Not applicable

D. **Insurance:** At the time of the actions which are the subject of the instant complaint, the Town was insured by American Alternative Insurance Corporation under policy number 01-A2-RL-0000021-01 having a policy limit of \$1,000,000.00 per occurrence and a Commercial Excess policy, number 01-A2-FF-0000085-02 having a policy limit of \$9,000,000 per occurrence.

Dated: Tarrytown, New York  
July 27, 2007

**MURPHY STECICH & POWELL, LLP**  
Attorneys for the Town of Greenburgh  
and John Kapica

S/  
Brian D. Murphy (BDM 1017)  
828 South Broadway, Suite 300  
Tarrytown, New York 10591  
(914) 674-4100

To: Law Offices of Ravi Batra, P.C.  
Counsel for Plaintiff  
The Batra Building  
142 Lexington Avenue  
New York, New York 10016

Thomas J. Troetti, Esq.  
305 Old Tarrytown Road  
White Plains, New York 10603-2825

Quinn & Mellea, LLP  
Attn: Andrew Quinn, Esq.  
Counsel for Erik Ward  
399 Knollwood Road  
White Plains, New York 10603-1931